

Exhibit 4 to Declaration of Nathaniel Flack

SEATTLE CITY ATTORNEY
MARK H. SIDRAN

MEMORANDUM

TO: Honorable Jan Drago
President, Seattle City Council

FROM: Mark H. Sidran *MHS*

RE: Proposed Ordinance Relating to Graffiti and Prostitution

DATE: April 11, 1996

As indicated below, this proposed ordinance contains some provisions which are required by state law and some that are discretionary:

Graffiti. Required. Section 1 categorizes graffiti as a type of property destruction which is always a gross misdemeanor, regardless of the amount of damage done. The maximum penalty for a gross misdemeanor is one year in jail and a \$5,000 fine. Under current ordinance, property damage (including graffiti) less than \$50 is a misdemeanor subject to a maximum of 90 days in jail and a \$1,000 fine. Thus the effect of this change is to increase the maximum penalty for graffiti causing damage under \$50.

Assessments for Prostitution Related Crimes. Discretionary. Section 2 imposes mandatory fines on persons convicted of Prostitution, Patronizing a Prostitute and Permitting Prostitution. All the fines go to the state Prostitution Prevention and Intervention account, from which the Department of Community, Trade and Economic Development makes grants to local governments or groups for programs to encourage women to leave prostitution. Although state law already authorizes Municipal Court to impose these fines, adoption by ordinance would ensure that the Municipal Code accurately reflects all the penalties for a prostitution related offense without requiring reference to state statutes. This will aid in proper enforcement of the law.

MHS:lm

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IT IS DUE TO THE QUALITY OF THE DOCUMENT.